

108TH CONGRESS  
2D SESSION

# S. 2148

To protect American workers from competition of foreign workforces for performance of Federal and State contracts.

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IN THE SENATE OF THE UNITED STATES

MARCH 1, 2004

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To protect American workers from competition of foreign workforces for performance of Federal and State contracts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “U.S.A. Jobs Protection  
5       Act of 2004”.

6       **SEC. 2. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
7                       **CONTRACTS FOR THE PROCUREMENT OF**  
8                       **GOODS AND SERVICES.**

9       (a) LIMITATIONS.—

1           (1) IN GENERAL.—The Office of Federal Pro-  
2           curement Policy Act (41 U.S.C. 403 et seq.) is  
3           amended by adding at the end the following new sec-  
4           tion:

5   **“SEC. 42. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
6                           **CONTRACTS.**

7           “(a) FEDERAL CONTRACTS.—A contract that is en-  
8           tered into by the head of an executive agency may not  
9           be performed outside the United States except to meet a  
10          requirement of the executive agency for the contract to  
11          be performed specifically at a location outside the United  
12          States.

13          “(b) STATE CONTRACTS.—

14               “(1) IN GENERAL.—Funds appropriated for fi-  
15              nancial assistance for a State may not be disbursed  
16              to or for such State during a fiscal year unless the  
17              chief executive of that State has transmitted to the  
18              Administrator for Federal Procurement Policy, not  
19              later than April 1 of the preceding fiscal year, a  
20              written certification that, except as described under  
21              paragraph (2), none of such funds will be expended  
22              for the performance of State contracts outside the  
23              United States.

24               “(2) EXCEPTION.—Funds described in para-  
25              graph (1) may be expended for the performance of

1 a State contract outside the United States if the  
 2 chief executive of such State certifies in advance to  
 3 the Administrator that such expenditure is for a  
 4 contract that cannot be performed within the United  
 5 States.

6 “(c) DEFINITION OF STATE.—In this section, the  
 7 term ‘State’ means—

8 “(1) each of the several States of the United  
 9 States, the District of Columbia, the Commonwealth  
 10 of Puerto Rico, the Commonwealth of the Northern  
 11 Mariana Islands, the Virgin Islands, Guam, Amer-  
 12 ican Samoa, and the Trust Territory of the Pacific  
 13 Islands; and

14 “(2) a political subdivision of a State.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
 16 tions in section 1(b) of such Act is amended by add-  
 17 ing at the end the following new item:

“Sec. 42. Limitations on off-shore performance of contracts.”.

18 (b) INAPPLICABILITY TO STATES DURING FIRST  
 19 TWO FISCAL YEARS.—Section 42(c) of the Office of Fed-  
 20 eral Procurement Policy Act (as added by subsection (a))  
 21 shall not apply to disbursements of funds to a State dur-  
 22 ing the fiscal year in which this Act is enacted and the  
 23 next fiscal year.

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